



ATTORNEY DOCKET NO.: P1032

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Martin D. Smalc

RECEIVED

SERIAL NO: 09/847,717

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: ART UNIT: 3743

FILED: May 2, 2001

TECHNOLOGY CENTER R3700

: EXAMINER: Leo, Leonard R.

FOR: Finned Heat Sink Assemblies

Asst. Commissioner for Patents

Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENTS AND TRADEMARKS, WASHINGTON D.C. 20231 ON THIS 3rd DAY OF January 2003

BY: Carrie A. McPherson

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated December 16, 2002, designated paper no. 11, the Examiner issued a restriction requirement to elect species based on Figures 7 and 9 of the application of the claims still under consideration.

Although the Applicant does not concede the propriety of the restriction requirement in paper no. 11, in order to expedite prosecution, the claims 7-11, 15-24, 27, and 28 as directed to the species principally illustrated in Figure 7 are hereby elected with traverse.

With respect to the election of claims readable on the embodiment of Figure 7, Applicant asserts that the claims 7-12, 15-24, 27, and 28 are readable on the embodiment of Figure 7. However, Applicant respectfully disagrees with the assertion that no claims are generic to both the embodiment in Figure 7 and the embodiment shown in Figure 9. In fact, it is contended that claims 7, 8, 11, 12, 15-18, 20-22, 27, and 28 are generic to both embodiments.

As for claim 12, Applicant hereby requests that the Examiner vacate the decision to withdraw claim 12 from consideration. Upon further inspection of claim 12, it is Applicant's position that claim 12 would read on the embodiments in Figures 1, 7, and 9. Therefore,

SERIAL NO: 02,547,717


ATTORNEY DOCKET NO.: P1032

Applicant requests that Examiner also consider claim 12 as part of the prosecution on the merits in this matter.

Upon entry of the election as set out above it is believed that prosecution on the merits can begin, and all the elected claims 7-28 are in a condition for allowance. Such action is earnestly sought.



Respectfully submitted,
GRAFTECH INC.

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